

S/N 09/701315



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CARVER et al Examiner: M. Garcia Baker
Serial No.: 09/701315 Group Art Unit: 1627
Filed: January 9, 2001 Docket No.: 12243.15USWO
Title: DIRECTED COMBINATORIAL COMPOUND LIBRARY AND HIGH THROUGHPUT ASSAYS FOR SCREENING SAME

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By:

John Junkers

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants have the following response to the Election Requirement of August

Election of a species for X and R is required. For X, Applicants elect hydrogen.

For R, Applicants elect -NHCOR¹. For m, Applicants elect 2. The election of species is made without traverse. Claims 1-6, 18 and 19 read on the elected species.

Applicants believe that this election also satisfies any outstanding restriction requirement. Applicants traverse the requirement. Applicants respectfully contend that restriction within a single claim is improper. In re Weber, 198 USPQ 328 (CCPA 1978). In addition, Applicants do not concede that the present claims are unpatentable, which forms the basis of the restriction issue. Finally, Applicants believe that the restriction issue as stated is moot in view of the election of species requirement. That is, if a generic claim encompassing the

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elected species were to be allowable, the assumption underlying the restriction requirement would be incorrect.

An early and favorable action on the merits is requested.

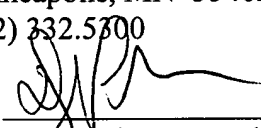
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Respectfully submitted,

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Dated: September 12, 2002

By: 
Douglas P. Mueller
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DPM

